

DASHAWN GERVIN,

Plaintiff,

vs.

CHRISTIAN HENDLEY, et al.,

Defendants.

absconded from parole release and is currently a fugitive.¹

Plaintiff failed to comply with the Court's January 16 Order and appears to have abandoned this action. Therefore, it will be dismissed without prejudice. Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that:

- (1) This action is **DISMISSED** without prejudice for lack of prosecution and for failure to comply with this Court's Order dated January 16, 2019.
- (2) The Clerk of this Court is directed to terminate this action.

Signed: February 11, 2019



Frank D. Whitney
Chief United States District Judge



¹ NCDPS's website is <https://webapps.doc.state.nc.us/opi/offendersearch.do?method=view>. See Fed. R. Ev. 201.